

Appeal Decision

Site visit made on 17 November 2015

by Caroline Mulloy BSc (Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 15 December 2015

Appeal Ref: APP/H0738/W/15/3131643

82 Darlington Road (front curtilage site), Stockton-on-Tees TS18 5EY

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Paul Leng against the decision of Stockton-on-Tees Borough Council.
 - The application Ref 15/0373/FUL, dated 12 February 2015, was refused by notice dated 22 July 2015.
 - The development proposed is the erection of one number detached two-storey dwelling house.
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Decision

1. The appeal is dismissed.

Main Issues

2. The main issues in this case are:
 - The effect of the proposal on the character and appearance of the area and;
 - The living conditions of the future occupiers of the site with specific reference to privacy and outlook.

Reasons

Character and Appearance

3. The appeal site is situated in the front garden of 82 Darlington Road (no 82), to the east of 84 Darlington Road (no 84) and to the west of 2 Kenton Close (no 2). The access road to 82a Darlington Road, situated to the rear of no 82, runs alongside to the west of the site.
4. Darlington Road is a residential area characterised by substantial detached two storey properties set in large plots. Properties are set back from the frontage with low boundary walls, mature vegetation and large front gardens and driveways. The area has been identified as a 'character' area in the emerging Stockton-on-Tees Regeneration and Environment Local Plan (LP) Publication Draft 2015.
5. Due to the mix of architectural styles in the area, the overall scale, mass and materials of the proposed property would generally reflect the character of the area. The proposal would be generally consistent with the existing building line, although it would be situated slightly further forward in the plot than no 84.

6. The host property, no 82 is set further back in its plot than the majority of properties and has mature vegetation fronting Darlington Road, thus contributing to the spacious and leafy character of the area.
7. It is acknowledged that attempts have been made to reduce the scale and mass of the proposal. However, when viewed from the road, the proposal would be set against no 82, a substantial property which would be clearly visible to the rear resulting in an uncomfortable juxtaposition between the two properties. Notwithstanding relative plot ratios, the dominant presence of no 82, combined with the relatively narrow plot and proximity to adjacent dwellings would result in the appearance of a dense form of development at odds with the surrounding area.
8. Furthermore, the proposed dwelling would have a limited front garden, a large proportion of which would be taken up with the driveway which would be out of character with the generally spacious front gardens and driveways of surrounding properties. The removal of some of the existing vegetation would open up views of the new dwelling and detract from the leafy character of the area. Furthermore, there would be limited opportunities for new planting to soften the impact of the proposed development. Consequently, the proposal would detract from the low density, spacious and leafy character of the surrounding area formed by detached properties set in large plots.
9. Paragraph 58 of the National Planning Policy Framework (the Framework) states that local and neighbourhood plans should develop robust and comprehensive policies that set out the quality of development that will be expected for the area based on an understanding of its defining characteristics.
10. Paragraph 59 states that design policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing and height of new development in relation to neighbouring buildings and the local area more generally. Paragraph 60 goes on to state that planning policies and decisions should not attempt to impose architectural or particular tastes and that they should not stifle innovation, however, it is proper to seek to promote or reinforce local distinctiveness. For the reasons set out above I consider that the proposal would not reflect the local character of the area or reinforce local distinctiveness.
11. Policy H3 of the emerging LP seeks to protect the integrity of character areas and resist new dwellings within residential gardens. The LP is at publication stage and I can, therefore, only afford it limited weight in my decision.
12. I, therefore, conclude that the proposal would harm the character and appearance of the area and would, therefore, be contrary to saved Policy HO3 of the Stockton-on-Tees Local Plan 1997 which seeks to ensure that new development is sympathetic to the character of the locality and takes account of and accommodates important features within the site and paragraph 58 and 59 of the Framework.

Living Conditions of Future Occupiers

13. It is proposed to erect an approximately 1.8-2m high fence around the garden of the proposed property. This would minimise the potential for overlooking from no 2 Kenton Close due to the one and a half storey nature of the property, particularly as the only windows on the eastern elevation of the

proposal are a utility room at ground floor and two en-suite bathrooms at first floor level. In addition, as there are only two windows on the west elevation of no 84 and, due to the nature of those windows, I do not consider that the proposal would be significantly overlooked from the west. However, I consider that the rear elevation and garden of the proposed dwelling would be overlooked by no 82 due to the proximity of that property and its relative height and mass resulting in an overbearing effect. The relative proximity of properties to the east and west would increase the sense of enclosure.

14. I, therefore, conclude that the future occupiers of the proposed dwelling would have inadequate living conditions due to the dominant and overbearing nature of no 82 and relative proximity of surrounding properties. The proposal is, therefore, contrary to paragraph 17 of the Framework which seeks to ensure a good standard of amenity for all existing and future occupants of land and buildings.

Other Matters

15. Several responses from adjoining occupiers were received in response to the application including some in favour of the proposal. The appellant and some neighbours consider that the proposal would contribute to housing land supply in the area. The proposal would make a small contribution to the economic and social dimension of sustainable development through the provision of an additional dwelling which I have taken into account in my decision. However, for the reasons set out above, it would not meet the environmental dimension of sustainable development. On balance, therefore, I consider that the totality of the harm which I have identified would outweigh the benefits of the proposal.

Conclusion

16. For the reasons set out above, I dismiss the appeal.

Caroline Mulloy

INSPECTOR